

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Jonda Lynn Moo,

Plaintiff,

vs.

Steven J. Smith and Jones Motor Co.,  
Inc.,

Defendants.

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2019-CP-23-

**SUMMONS**  
**(JURY TRIAL REQUESTED)**

TO: THE DEFENDANTS, ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to said complaint upon the subscriber, at his office at PO Box 5048, Spartanburg, SC 29304, within thirty (30) days after the service thereof, exclusive of the day of such service, and if you fail to answer the complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the complaint.

HAWKLAW, PA

/s/ William A. Maxey  
William A. Maxey, S.C. Bar 101804  
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*Attorney for the Plaintiff*

December 13, 2019

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2019-CP-23-

Jonda Lynn Moo,

Plaintiff,

vs.

Steven J. Smith and Jones Motor Co.,  
Inc.,

Defendants.

**COMPLAINT**  
**(JURY TRIAL REQUESTED)**

The Plaintiff would respectfully show unto the Court that:

1. Plaintiff is a citizen and resident of Greenville County, South Carolina.
2. Upon information and belief, Defendant Steven J. Smith (hereinafter, "Smith") is a citizen and resident of Madison County, Georgia.
3. Upon information and belief, Defendant Jones Motor Co., Inc. (hereinafter, "Jones") is a Pennsylvania corporation with its principal place of business located in Montgomery County, Pennsylvania.
4. This court has personal jurisdiction over Defendants pursuant to S.C. Code Ann. § 36-2-803, and venue is proper in Greenville County pursuant to S.C. Code Ann. § 15-7-30. Further, this court has subject matter jurisdiction over all claims contained within this complaint.

**FACTUAL BACKGROUND**

5. The preceding paragraphs are incorporated by reference as if repeated verbatim herein.
6. On or about March 20, 2019, Plaintiff was stopped in a private parking lot on Woodruff Road in Greenville County at a traffic light.

7. At the same time, Smith, driving a tractor-trailer owned and operated by Jones, was attempting to turn into the parking lot. When he was turning into the parking lot, he came into Plaintiff's lane and struck the front left side of her vehicle with the left rear side of his vehicle, causing a collision that injured Plaintiff.

8. At all times relevant to this complaint, Plaintiff was obeying all traffic signals and laws.

9. At all times relevant to this complaint, Plaintiff did not contribute to the collision.

10. At all times relevant to this complaint, Smith was an employee, agent, servant, and legal representative of Jones. Further, at the time of the collision giving rise to this litigation, Smith was acting in the scope of and in the course of his agency and employment with Jones. As such, Smith's unlawful, negligent, grossly negligent, reckless, willful, and wanton conduct may be imputed to Jones.

**FOR A FIRST CAUSE OF ACTION**  
**(Negligence – Smith)**

11. The preceding paragraphs are incorporated by reference as if repeated verbatim herein.

12. The injuries and damages incurred by the Plaintiff were directly and proximately caused by Smith's careless, negligent, grossly negligent, willful, wanton, reckless, and unlawful acts in one or more of the following particulars:

- a) In failing to travel at an appropriate speed for the conditions;
- b) In failing to exercise the degree of care and skill required by a tractor-trailer driver under the same or similar circumstances;

- c) in failing to apply the brakes of the vehicle and/or maintain them in proper working condition;
- d) in failing to steer or take other evasive action so as to avoid the collision;
- e) in failing to keep a proper lookout;
- f) in failing to comply with Federal Motor Carrier Safety Regulations;
- g) in failing to keep a proper distance from other vehicles on the road;
- h) in failing to maintain control of the vehicle; and
- i) in failing to observe the condition of traffic.

13. As a result of the collision, the Plaintiff suffered the following injuries and damages:

- a. lost wages;
- b. extensive pain, mental anguish, suffering and discomfort;
- c. disability for a period of time;
- d. money spent for medical care and treatment, past, present and future;
- e. emotional trauma and distress;
- f. permanent injury and impairment; and,
- g. loss of enjoyment of life.

14. Smith's careless, negligent, willful, wanton, reckless and unlawful acts were the direct and proximate cause of the collision and resulting injuries and damages to the Plaintiff.

15. Plaintiff is entitled to judgment against Smith for actual and punitive damages in an amount to be determined by a jury.

**FOR A SECOND CAUSE OF ACTION**  
**Negligent Hiring/Training/Supervision – Jones**

16. The preceding paragraphs are incorporated by reference as if repeated verbatim herein.

17. Jones, as a commercial motor carrier and employer of truck drivers, has a duty of due care to Plaintiff and all other foreseeable plaintiffs in the hiring, training, and supervision of its truck drivers as well as in the maintenance of its tractor-trailers.

18. Jones breached its duties to Plaintiff in one or more of the following ways:

- a) By failing to exercise reasonable care in investigating Smith's fitness to operate a tractor-trailer;
- b) By failing to adequately investigate Smith's driving history and safety record;
- c) By failing to enact protocols to ensure Smith's safe operation of Jones' tractor-trailers;
- d) By failing to enforce safety protocols as they apply to Smith;
- e) By failing to adequately supervise Smith's operation of its tractor-trailer so as to ensure Smith did so safely;
- f) By failing to train Smith in the safe operation of its vehicles;
- g) By failing to inspect its tractor-trailers prior to use;
- h) By failing to comply with Federal Motor Carrier Safety regulations;
- i) By failing to maintain its tractor-trailers in reasonably safe condition; and,
- j) In other such ways as will become apparent through discovery.

19. As a direct and proximate result of Jones' unlawful, negligent, grossly negligent, reckless, willful, and wanton conduct, Plaintiff has suffered injuries and damages as more fully set forth above.

20. Jones and Smith's unlawful, negligent, grossly negligent, reckless, willful, and wanton conduct combined and concurred to bring about Plaintiff's injuries and damages. As such, Jones and Smith are jointly and severally liable to Plaintiff for actual and punitive damages.

**WHEREFORE**, Plaintiff prays for judgment against Jones and Smith for actual and punitive damages in an appropriate amount to be determined at trial, the costs of this action, and for such other and further relief as the court may deem just and proper.

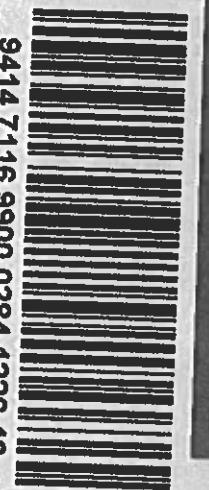
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*Attorney for the Plaintiff*

December 13, 2019

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PO Box 5048  
Spartanburg SC 29304

**CERTIFIED MAIL**



9414 7116 9900 0284 1226 46

**RETURN RECEIPT REQUESTED**



R. Bruce McAdams, President  
Jones Motor Co. Inc.  
654 Enterprise Dr  
Limerick PA 19468-1290

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